

NO. 25670

IN THE SUPREME COURT OF THE STATE OF HAWAII

TERRY M. TURNER, Petitioner,

vs.

TED SAKAI, Respondent.

ORIGINAL PROCEEDING

ORDER DENYING PETITION FOR A WRIT OF HABEAS CORPUS

(By: Moon, C.J., Levinson, Nakayama and Acoba, JJ.,
and Circuit Judge Del Rosario, assigned by reason of vacancy)

Upon consideration of Petitioner Terry M. Turner's petition for a writ of habeas corpus, the papers in support, and the records and files herein, it appears that: (1) in his petition for a writ of habeas corpus, Petitioner seeks to challenge the judgment and sentence entered by the circuit court in State v. Turner, Cr. No. 98-1231; (2) on August 12, 2002, this court affirmed the judgment of conviction and sentence in State v. Turner, Cr. No. 98-1231; (3) pursuant to HRS § 660-3, the supreme court and the circuit court have concurrent jurisdiction to issue writs of habeas corpus, and the appellate court will not exercise its original jurisdiction in habeas corpus proceedings when relief is available in the circuit court and no special reason exists for invoking its jurisdiction. Oili v. Chang, 57 Haw. 411, 557 P.2d 787 (1976); (4) no special reason exists for this court to exercise its original jurisdiction in this matter, and if Petitioner wishes to further challenge his conviction and sentence in State v. Turner, Cr. No. 98-1231, he can seek habeas

corpus relief in the circuit court or file a petition for post conviction relief pursuant to HRPP Rule 40. Therefore,

IT IS HEREBY ORDERED that Petitioner Terry M. Turner's petition for a writ of habeas corpus is denied without prejudice to Petitioner seeking any available relief in the circuit court.

DATED: Honolulu, Hawai'i, April 25, 2003.

Terry M. Turner,
petitioner pro se
on the petition